REMARKS

At the time the current Official Action was mailed, the Examiner rejected claims 1-21 and 23-25. By the present response, Applicant has amended claims 1, 2, 5, 7, 8, 12, 14, 15, 18, 19, 20, and 21 and canceled claims 16 and 17 to further prosecution of the present application. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 15 and 21 under 35 U.S.C. § 103(a) as being unpatentable Applicant's Admitted Prior Art (hereinafter "AAPA") in view of "The Windows NT Command Shell" by Tim Hill (hereinafter "Hill")(1998) and claims 2-14, 16-20 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Hill, in view of Buxton, (US Patent No. 6,182,279, hereinafter "Buxton") and further in view of Halva, (US Patent No. 6,681,265, hereinafter "Halva"). Applicant respectfully traverses this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396. (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references

must be thorough and searching, and it must be based on *objective evidence of record. In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Deficiencies of the Rejection of independent claims 1, 15, and 21

As amended, independent claim 1 recites, *inter alia*, "storing the command line utility output in a system registry database or shared system memory at a location identified by the identifier." Similarly, amended independent claim 15 recites, *inter alia*, "instructions for causing the computer to ... store the command line utility output in a system registry database or a shared system memory at a location identified by the identifier. Finally, amended independent claim 21 recites, *inter alia*, "a system registry database or shared system memory having a location identified by the identifier, the location identified by the identifier to store an output of the command line utility."

In the rejection, the Examiner stated that Hill discloses a "redirection symbol" that "redirects command output to the specified file." Office Action mailed October 20, 2008, page 3. Further, in the rejection, the Examiner stated that "here examiner interprets 'system storage' as including a temporary file as discussed in AAPA because the 'system storage' of the claims is not limited to 'a system registry.'" *Id.* In contrast, amended claims 1, 15, and 21 each include storing "command line utility" output in "a system registry or shared system memory." Applicant asserts that the "system registry" or "shared system memory" recited in claims 1, 15, and 21 are not temporary files as asserted by the Examiner to be disclosed in AAPA. Further, neither Hill nor AAPA disclose storing "command line utility" output in "a system registry or shared system memory." Thus, claims 1, 15, and 21 clearly distinguish over storing the "command line utility output" in a temporary file, as is asserted to the disclosed in AAPA or Hill.

Additionally, Applicant asserts that the cited references, taken alone or in combination, do not disclose "the application providing an identifier in the call of the command line utility" as recited by claims 1, 15, and 21.

In the rejection, the Examiner cited the redirection symbol, ">", as disclosing an "identifier in the call of the command line utility." Office Action mailed October 20, 2008, page 3. However, the redirection symbol (">") is not a "call of the command line utility." As clearly stated in Hill, "[c]ommand redirection symbols are not visible to the command." Hill, page 10. Further, Hill states that "the shell processes them before the command is executed and they are not passed as arguments to the command." *Id.* Thus, the redirection symbol (">") is not any call of the command line utility. For example, the command line utility does not process the redirection symbol (">"). Indeed, as stated in Hill, the shell processes (e.g., executes) the redirection facility *before* the "command," e.g., command line utility, itself.

Further, this redirection symbol is not an "identifier." As described in Hill and as known by those having ordinary skill in the art, the > symbol does is a "reserved shell character" that provides redirection of an output from the command line utility. The ">" symbol does not and cannot change, because it is a reserved shell character. Thus, the redirection symbol (">") is incapable of identifying anything, as it cannot be altered to identify any particular data. Further, Applicant asserts that the "specified file" after the redirection symbol (">"), such as "dir.txt" described in Hill, is not an identifier in the call of the command line utility. The "specified file" is an argument of the redirection symbol. For example, as shown in table 2.4 of Hill, the "command redirection symbols" are provided as ">file" wherein "file" is the name of the specified file. Hill, page 10. When using the redirection symbol, the command line utility does not receive the "specified file" as a call. Instead, the "specified file" is a part of and is used by the redirection symbol. Thus, Hill does not disclose "the application providing an identifier in the call of the command line utility" as recited in independent claims 1, 15, and 21.

For at least these reasons, the cited combination does not disclose all elements of independent claims 1, 15, and 21. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1, 15, and 21.

Deficiencies of the Combination of the Rejection of Claims 2-14, 16-20, and 23-25

The Examiner rejected claims 2-14, 16-20, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hill, Buxton, and Halva.

Claims 2-14 are dependent on claim 1, claims 16-10 are dependent on claim 15, and claims 23-25 are dependent on claim 21. As discussed above with regard to the first ground of rejection under 35 U.S.C. § 103(a), Hill does not disclose storing the "command line utility output" in a "system registry database or shared system memory." Buxton and/or Halva do not cure this deficiency of Hill with regard to the base claims 1, 15, and 21. Accordingly, the cited combination does not disclose or suggest all of the elements of the claimed invention, and thus, cannot possibly render the claimed subject matter obvious.

Further, Applicant asserts that Buxton teaches away from such a combination with Hill and Halva. Hill is a reference directed to the "Windows NT Command Shell." Hill, page 1. The descriptions in Hill concern usage of the "command shell," a "command prompt," i.e., a command line, and various commands executed from the "command shell" by typing these commands into the "command prompt." *Id.* Similarly, Halva is directed to "command files" that are described therein as "a file containing one or more command line operations." Halva, col. 4, lines 10-20. Thus, both Hill and Halva are directed to usage of the "command line" and various commands executed from the command line.

In contrast, Buxton discloses "OLE libraries" that are defined as "system-level services which utilize the interfaces defined by the COM specification" that call a "WIN 32 API." Buxton, col. 8, lines 6-8. Applicant asserts that there is a clear difference between a *service* and a *command executed from the command prompt* as recited in Hill, and between a *service* and a *command line operation* as recited in Halva. Further, as known to those of ordinary skill in the art and as stated in Buxton, API's are "application program interfaces" which are also quite different than a utility and a "command line utility." As they are described in Buxton, neither "application program interfaces" nor "system-level services" are "executable from a command

line prompt," and thus cannot be considered a "command line utility." Applicant asserts one skilled in the art would not seek to combine Hill and Halva, directed to command line usage, with Buxton, directed to usage of system-level services, e.g., OLE libraries.

Accordingly, Applicant respectfully requests withdrawal of the rejection of under 35 U.S.C. § 103(a) and allowance of claims 2-14, 16-20, and 23-25.

Deficiencies of the Rejection of claim 9

Although Applicant believes claim 9 is allowable based on its dependency on claim 1, Applicant would like to point to additional features of claim 9 that are allowable over the cited reference. For example, independent claim 9 recites "wherein providing the identifier indicating shared system memory identifies a system clipboard memory."

In rejecting claim 9, the Examiner cited the "FORMATEC" of Buxton, which Buxton describes as an "OLE data structure which acts in a generalized clipboard format." Applicant asserts that this description cannot disclose the "system clipboard memory" of claim 9. First, Applicant notes that the "FORMATEC" of Buxton only has a "generalized clipboard format." That is, the "generalized clipboard format" is merely a description of the format of this data structure, and not a description of how the data structure is used. Nowhere in Buxton is this "FORMATEC" data structure described as providing a "system clipboard memory." Additionally, as stated above, "OLE libraries" are defined as "system-level services." Buxton, col. 8, lines 6-8. Applicant asserts that these "services" as described in Buxton do not provide a "system clipboard memory." Instead, the "FORMATEC" OLE data structure is "used as a parameter in OLE functions and methods that require data format information." *Id.*, col. 11, lines 9-11. A "parameter" for "OLE functions and methods" is not a "system clipboard memory" as recited in claim 9.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claim 9.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: January 19, 2009

/Robert A. Manware/
Robert A. Manware
Reg. No. 48,758
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281)-970-4545